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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,542	04/08/2004	John M. Harris	CE12042R	8384
22917	7590	11/14/2006	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			NGUYEN, TU X	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,542

Applicant(s)

HARRIS ET AL.

Examiner

Tu X. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-21 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1, 8, 10, 19, 21 and 23 have been considered but are moot in view of the previous ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 8-10, 13 and 19-21 and 23, are rejected under 35 U.S.C. 102(b) as being anticipated by Tiedemann, Jr. (US Patent 6,021,122).

Regarding claim 1, Tiedemann, Jr. disclose a method for queuing a mobile station in a wireless communication system comprising:

receiving a request from the mobile station to originate a call (see col.3 lines 52-53);

determining whether the mobile station may be assigned a dedicated radio frequency (RF) resource in a service area of the mobile station (see col.12 lines 29-32);

in response to determining not to assign a dedicated RF resource to the mobile station, adding the call to a call queue (see col.12 lines 34-35);

subsequent to adding the call to the call queue, re-determining whether the mobile station may be assigned a dedicated RF resource in the service area based on signal strengths reported by the mobile station subsequent to the initial determination of whether the mobile station be assigned a dedicated RF resource (see col.12 line 59 through col.13 line 7,

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the Origination Message is kept in queue status while the mobile detects other pilot signals);
and

in response to determining, subsequent to adding the call to the call queue, that the mobile station may be assigned a dedicated RF resource, conveying an assignment of a dedicate traffic channel to the mobile station without first requesting the mobile station to re-originate (see col.12 lines 39-40, "when a traffic become available, the request at the head of the PACA queue is assigned to the Traffic Channel" reads on "without first requesting the mobile station to receiver-originate").

Regarding claim 10, Tiedemann, Jr. disclose a method for queuing a mobile station in a wireless communication system comprising:

receiving a call intended for the mobile station (see col.3 lines 52-53);

determining whether the mobile station may be assigned a dedicated radio frequency (RF) resource in a service area of the mobile station (see col.12 lines 29-32);

in response to determining not to assign a dedicated RF resource to the mobile station, adding the call to a call queue (see col.12 lines 34-35);

subsequent to adding the call to the call queue, re-determining whether the mobile station may be assigned a dedicated RF resource in the service area based on signal strengths reported by the mobile station subsequent to the initial determination of whether the mobile station be assigned a dedicated RF resource (see col.12 line 59 through col.13 line 7, the Origination Message is kept in queue status while the mobile detects other pilot signals);
and

in response to determining, subsequent to adding the call to the call queue, that the mobile station may be assigned a dedicated RF resource, conveying an assignment of a dedicate traffic channel to the mobile station without first paging the mobile station (see col.12 lines 39-40 "when a traffic become available, the request at the head of the PACA queue is assigned to the Traffic Channel" reads on "without first paging the mobile station).

Regarding claims 3 and 12, Tiedemann, Jr. disclose re-determining whether the mobile station may be assigned a dedicated radio frequency (RF) resource comprises determining whether the mobile station may be assigned a dedicated RF in a service area of the mobile station based on a last Radio Environment Message received from the mobile station (see col.5 lines 5-14, "pilot strength measurement" corresponds to "radio environment message").

Regarding claims 8 and 19, Tiedemann, Jr. disclose a Controller (see 32, fig.1) comprising:

at least one memory device that maintains a call queue (see col.12 lines 34-35, "queue" is inherent a memory for maintaining calls); and a processor (a processor is inherent for carrying out the task as describe by col.12 lines 21-40) coupled to the at least one memory device that receives a request from the mobile station to originate a call, determines whether the mobile station may be assigned a dedicated radio frequency (RF) resource in a service area of the mobile station, in response to determining not to assign a dedicated RF resource to the mobile station, adds the call to a call queue, subsequent to adding the call to the call queue, re-determines whether the mobile station may be assigned a dedicated RF resource in the service area based on signal strengths reported by the mobile station subsequent to the initial determination of whether the mobile station be assigned a dedicated RF resource (see

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col.12 line 59 through col.13 line 7, the Origination Message is kept in queue status while the mobile detects other pilot signals), and in response to determining, subsequent to adding the call to the call queue, that the mobile station may be assigned a dedicated RF resource, conveys an assignment of a traffic channel to the mobile station without first requesting the mobile station to re-originate.

Regarding claim 9, Tiedemann, Jr. disclose a Controller (see 32, fig.1) comprising:

at least one memory device that maintains a call queue (see col.12 lines 34-35, "queue" is inherent a memory for maintaining calls); and a processor (a processor is inherent for carrying out the task as describe by col.12 lines 21-40) coupled to the at least one memory device that receives a request from the mobile station to originate a call, determines whether the mobile station may be assigned a dedicated radio frequency (RF) resource in a service area of the mobile station, in response to determining not to assign a dedicated RF resource to the mobile station, adds the call to a call queue, subsequent to adding the call to the call queue, re-determines whether the mobile station may be assigned a dedicated RF resource in the service area, and in response to determining, subsequent to adding the call to the call queue, that the mobile station may be assigned a dedicated RF resource, conveys an assignment of a traffic channel to the mobile station without first paging the mobile station (see col.3 line 60 through col.4 line 15) and requesting the mobile station to receiver-originate (see col.12 lines 46-52).

Regarding claim 23, Tiedemann, Jr. disclose a Controller (see 32, fig.1) comprising:

at least one memory device that maintains a call queue (see col.12 lines 34-35, "queue" is inherent a memory for maintaining calls); and a processor (a processor is inherent

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for carrying out the task as describe by col.12 lines 21-40) coupled to the at least one memory device that receives a request from the mobile station to originate a call, determines whether the mobile station may be assigned a dedicated radio frequency (RF) resource in a service area of the mobile station, in response to determining not to assign a dedicated RF resource to the mobile station, adds the call to a call queue, subsequent to adding the call to the call queue, re-determines whether the mobile station may be assigned a dedicated RF resource in the service area, and in response to determining, subsequent to adding the call to the call queue, that the mobile station may be assigned a dedicated RF resource, conveys an assignment of a traffic channel to the mobile station without first paging the mobile station (see col.3 line 60 through col.4 line 15) and requesting the mobile station to receiver-originate (see col.12 lines 46-52).

Regarding claim 21, Tiedemann discloses a method for assigning a radio frequency (RF) resource to a queued mobile station comprising:

determining whether the mobile station may be assigned a dedicated radio frequency (RF) resource in a first service area of the mobile station (see col.5 lines 34-52);

in response to determining not to assign a dedicated RF resource to the mobile station, adding a call associated with the mobile station to a call queue (see col.12 lines 21-40);

receiving measurements of strengths of a plurality of pilot channels from the mobile station (see col.5 lines 5-14);

based on the received pilot channel measurements, determining whether the mobile station has moved to a second service area (see col.5 lines 5-14);

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in response to determining that the mobile station has moved to the second service area, determining whether the mobile station may be assigned a dedicated RF resource in the second service area (see col.5 lines 40-54); and

in response to determining that the mobile station may be assigned a dedicated RF resource in the second service area, assigning a dedicated RF resource to the mobile station in the second service area (see col.5 lines 40-59) without first paging the mobile station and requesting the mobile station to receiver-originate (see col.12 lines 46-52).

Regarding claims 13 and 20, Tiedemann discloses determining whether the mobile station may be assigned a dedicated radio frequency (RF) resource comprises: paging the mobile station; in response to paging, receiving a page response from the mobile station; and in response to receiving the page response, determining whether the mobile station may be assigned a dedicated RF resource in a service area of the mobile station (see col.3 line 60 through col.4 line 15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 9 and 14-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann, Jr. in view of Sicher (US Patent 5,570,411).

Regarding claims 4, 9 and 14-16, Tiedemann fails to disclose starting a timer; when the timer expires prior to determining that the mobile station may be assigned a dedicated RF resource in the service area, aborting the call and deleting the call from the queue.

Sicher discloses starting a timer; when the timer expires prior to determining that the mobile station may be assigned a dedicated RF resource in the service area, aborting the call and deleting the call from the queue (see col.7 line 58 through col.8 line 2). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tiedemann with the above teaching of Sicher in order to set a predetermined period of time awaiting a next available voice channel.

The modified Tiedemann discloses conveying an assignment of a dedicated radio frequency (RF) resource comprises conveying an assignment of a traffic channel to the mobile station in response to determining, subsequent to adding the call to a call queue and prior to the expiration of the timer, that the mobile station may be assigned a dedicated RF resource in the service area (see Sicher col.7 lines 51-57).

Claims 5-6 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann, Jr. in view of Kumar et al. (US Patent 6,507,572).

Regarding claims 5-7 and 17-18, Tiedemann fails to disclose in response to determining not to assign a dedicated RF resource to the mobile station, instructing the mobile station to transition to a Radio Environment Reporting mode.

Kumar et al. disclose in response to determining not to assign a dedicated RF resource to the mobile station, instructing the mobile station to transition to a Radio Environment

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Reporting mode (see col.3 lines 54-60, "dedicated power control and signaling channel" corresponding to "reporting mode").

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'Tu Nguyen', is written above the date.

November 7, 2006